

1 Grant A. Carlson, Esq. - SBN 155933
2 Friedman, Enriquez & Carlson, LLP
3 433 North Camden Drive, Suite 965
4 Beverly Hills, California 90210
5 Telephone: (310) 273-0777
6 Fax: (310) 273-1115

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8 Attorneys for Defendants
9 Nth Connect Telecom, Inc. and Steven Chen
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11 UNITED STATES DISTRICT COURT
12 CALIFORNIA NORTHERN DISTRICT (SAN JOSE)
13

14 VLADIMIR A. BALAREZO, individually and)
15 on behalf of others similarly situated)

16 Plaintiff,

17 vs.

18 NTH CONNECT TELECOM INC., and)
19 STEVEN CHEN,)

20 Defendants.)
21

Case No. C 07 05243 JF (PVT)

DECLARATION OF STEVEN CHEN IN
SUPPORT OF DEFENDANTS' SUR-REPLY
TO PLAINTIFFS' MOTION TO COMPEL
PRODUCTION OF DOCUMENTS

Date: July 1, 2008
Time: 10:00 a.m.
Courtroom: Courtroom 5, 4th Floor
Judge: Hon. Patricia V. Trumbull

22 **DECLARATION OF STEVEN CHEN**

23 I, Steven Chen, declare under penalty of perjury the foregoing is true and correct.

24 1. I am the C.E.O. of defendant Nth Connect Telecom Inc. This declaration is based on
25 personal knowledge.

26 2. I make this declaration in support of defendants Nth Connect Telecom, Inc. and
27 Steven Chen's Opposition to Plaintiffs' Motion to Compel Production of Documents.

28 3. Before April 2006, all technicians were paid via 1099s and we did not keep time cards
for them. While we have the 1099s for the period prior to April 2006, they are not easily nor readily
accessible, as our filing system at the time the company started up was different and the employees
who maintained those files are no longer with the company. I will personally have to manually look


1 through hundreds of boxes in our file storage area to find the ones that contain the 1099s. At this
2 time, I cannot place a firm estimate on how much time this will take, but I expect it will be very time
3 consuming.

4 4. Plaintiff seeks copies of all Comcast work orders for the past four years. The amount
5 of documents at issue is in the range of 150 bankers' boxes. The work orders contain personal
6 information, such as names, account numbers, addresses, phone numbers and amounts paid, of
7 customers of Comcast who have not been provided any kind of notice that such information is being
8 sought. If the Court ordered production of the work orders, without redaction, Nth Connect would
9 be in violation of its contract with Comcast, which requires Nth Connect to keep information
10 pertaining to Comcast customers confidential. It would also be in violation of State and Federal law
11 which requires companies to keep its customers' information private. A true and correct copy of the
12 pages from Nth Connect's contract with Comcast that pertain to the confidentiality provisions are
13 attached hereto as Exhibit "A."

14 5. If the Court allows the discovery of the work orders, with redaction, it would be
15 extremely financially burdensome to respond to -- Nth Connect would literally have to hire people
16 to review and redact the documents, because the task would overwhelm its current office staff.

17 I declare under penalty of perjury under the laws of the State of California and the Federal
18 Government that the foregoing is true and correct.

19 Dated: June 25, 2008

20 
Steven Chen